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| 09/727,841      | 11/30/2000  | Mark Buonanno        | CSCO-2894           | 3913             |

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EXAMINER

BAYARD, DJENANE M

ART UNIT PAPER NUMBER

2141

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/727,841

Applicant(s)

BUONANNO ET AL.

Examiner

Djenane M. Bayard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 01 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,7,8,10-16,19,20,22-25,27-29,31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,7,8,10-16,19,20,22-25,27-29,31 and 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____  | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This is in response to amendment filed on 7/01/05 in which claims 1, 3, 7-8, 10-16, 18-20, 22-25, 27-29 and 31-32 are pending.

#### *Response to Arguments*

2. Applicant's arguments have been fully considered but they are not persuasive.

3. As per claim 1, Applicant argues, "business to business ("B2B") transaction is not the same as the delivery of an electronic message". However, Applicant argument is not persuasive because in a B2B (business-to business) electronic system and environment, corporation use electronic data interchange to conduct transaction. Electronic data interchange (EDI) is an arbitrary name for electronic message. Furthermore, Gopal clearly teaches a system and method allowing businesses to send electronic messages, or other information to conduct business over a digital network such as the Internet (See abstract, lines 1-5).

Furthermore, Applicant argues that Jawahar fails to teach "automatically establishing a web collaboration session." However, MPEP 2144.04 Clearly teaches

*In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958) (Appellant argued that claims to a permanent mold casting apparatus for molding trunk pistons were allowable over the prior art because the claimed invention combined "old permanent-mold structures together with a timer and solenoid which automatically actuates the known pressure valve system to release the inner core after a predetermined time has elapsed." The court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art.).

#### *Claim Rejections - 35 USC § 103.*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 6-7, 13-15, 19, 25, 27-29, 30-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2001/0032263 to Gopal et al in view of U.S.

Patent No. 6,289,333 to Jawahar et al.

a. As per claims 1, 15, 25 and 29, Gopal et al teaches a method exceptions in a business-to-business transaction, comprising the steps of: monitoring an internet gateway, through which the business-to business transaction passes for timer expiration exceptions issued when a sending application does not receive a confirmation within a predetermined amount of time (See page 6, paragraph [0048], when a receipt for a message is not present, the network controller is notified), transaction exceptions generated when content, format, security availability or other characteristics of the transaction are out of pre-determined boundaries (See page 2, paragraph [0021]), and network exceptions wherein if an exception issued when a message infrastructure cannot support the message transaction ( See page 4, paragraph [0037], if the destination connector is nonresponding and neither route point processor can complete transmission, and error condition is encountered....Both the primary and secondary route route point processor will notify the network controller indicating that a transmission path to the destination connector cannot be established) is detected: using an intelligent contact manger automatically locate an authorized representative, wherein the authorized representative is a designated person who has authority to consummate the business-to-business transaction; using a unified communication system to automatically notifying the authorized representative of the exception (See page 2, paragraph [0021]); However, Gopal et al fails to teach automatically establishing a collaboration session between representatives of the business-to-business transaction.

Jawahar et al teaches establishing a web collaboration session between representatives of the business-to-business transaction to resolve said exceptions (See col. 2, lines 12-17 and col. 3, lines 60-62).

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It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate establishing a collaboration session between representatives of the business-to-business transaction wherein the web collaboration session comprises page sharing, follow-me, form share, text chat, application demonstration, application sharing and white boarding functions as taught by Jawahar et al in the claimed invention of Gopal et al in order to retrieve resources provided from one client to the other client (See page 2, lines 16-18)

b. As per claims 7 and 19, Gopal et al teaches wherein the unified communication system comprises voice messaging, email messaging, and fax messaging (See page 2, paragraph [0021]).

c. As per claims 13, 27 and 31, Gopal et al teaches wherein the business-to-business transaction is handled through e-mail and LDAP containing XML data (See page 2, paragraph [0009 and 0021])

d. As per claims 14, 28 and 32, Gopal et al teaches wherein the exception is handled by email (See page 2, paragraph [0021]).

6. Claims 3 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2001/0032263 to Gopal et al in view of U.S. Patent No. 6,289,333 to Jawahar et al. as applied to claim 1 above, and further in view of U.S. Patent Application No. 2004/0049562 to Kikinis.

a. As per claims 3 and 16, Gopal et al teaches wherein the intelligent contact manager comprises the functions of pre-routing, post-routing (See page 3, paragraph [0024]). However, Gopal et al in view of Jawahar et al fails to teach wherein the intelligent contact manager comprises the functions customer-profile, computer telephony integration, enterprise-wide

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reporting, web interaction, remote agent support, voice recognition integration, and workforce management integration.

Kikinis teaches wherein the intelligent contact manager comprises the functions customer-profile, computer telephony integration, enterprise-wide reporting, web interaction, remote agent support, voice recognition integration, and workforce management integration (See page 3, paragraph [0024] and page 5, paragraph [0043]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the intelligent contact manager comprises the functions as taught by Kikinis in the claimed invention of Gopal et al in view of Jawahar et al in order to transmit data over networks as data packets 9see page 1, paragraph [0003]).

7. Claims 8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2001/0032263 to Gopal et al in view of U.S. Patent No. 6,289,333 to Jawahar et al. as applied to claim 1 above, and further in view of U.S. Patent Application No. 2002/0194272 to Zhu et al.

a. As per claims 8 and 20, Gopal et al in view of Jawahar et al teaches the claimed invention as described above. However, Gopal et al in view of Jawahar et al fails to teach wherein the unified communication system comprises a telephone call, a sequence of contacts, an SMS message to a called party's pager or cell phone, or incoming calls being routed through a series of telephone numbers based on peer, person, or LDAP list.

Zhu teaches wherein the unified communication system comprises a telephone call, a sequence of contacts, an SMS message to a called party's pager or cell phone, or incoming calls being routed through a series of telephone numbers based on peer, person, or LDAP list (See page 1, paragraph [0006])

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the unified communication system comprises a telephone call,

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a sequence of contacts, an SMS message to a called party's pager or cell phone, or incoming calls being routed through a series of telephone numbers based on peer, person, or LDAP list as taught by Zhu et al in the claimed invention of Gopal et al in view of Jawahar et al in order to handle calls from a number of customers (See page1, paragraph [0005]).

8. Claims 10-12, 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over .S. Patent Application No. 2001/0032263 to Gopal et al in view of U.S. Patent No. 6,289,333 to Jawahar et al as applied to claim 1 and 22 above, and further in view of U.S. Patent Application No. 2002/0049622 to Lettich et al.

a. As per claims 10 and 22, Gopal et al in view of Jawahar et al teaches the claimed invention as described above. However, Gopal et al in view of Jawahar et al fails to teach wherein the apparatus handles exceptions corresponding to demand planning.

Lettich et al teaches demand planning. (See 15, paragraph [0294]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the apparatus handles exceptions corresponding to demand planning as taught by Lettich et al in the claimed invention of Gopal et al in view of Jawahar et al in order to enable companies to meet the challenges of rising global networks (See page 1, paragraph [0003])

b. As per claims 11 and 23, Gopal et al in view of Jawahar et al teaches the claimed invention as described above. However, Gopal et al in view of Jawahar et al fails to teach wherein business-to-business (B2B) processing utilizes the engine to perform steps of requisitioning, purchasing, approval, ordering, receiving, distribution, payment, and measurement.

Lettich et al teaches wherein business-to-business (B2B) processing utilizes the engine to perform steps of requisitioning, purchasing, approval, ordering, receiving, distribution, payment, and measurement (See page 2, paragraph [0023]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein business-to-business (B2B) processing utilizes the engine to perform steps of requisitioning, purchasing, approval, ordering, receiving, distribution, payment, and measurement as taught by Lettich et al in the claimed invention of Gopal et al in view of Jawahar et al in order to enable companies to meet the challenges of rising global networks (See page 1, paragraph [0003])

c. As per claims 12 and 24, Gopal et al in view of Jawahar et al teaches the claimed invention as described above. However, Gopal et al in view of Jawahar et al fails to teach the step of handling exceptions corresponding to procurement processes.

Lettich et al teaches wherein the exception corresponds to procurement processes (See page 2, paragraph [0023]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the exception corresponds to procurement processes as taught by Lettich et al in the claimed invention of Gopal et al in view of Jawahar et al in order to enable companies to meet the challenges of rising global networks (See page 1, paragraph [0003])

### *Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**



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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Djenane Bayard

Patent Examiner

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER